

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL RAY,

No. 19-CV-6546-LTS

Plaintiff,

-against-

ORDER

UNITED STATES POSTAL SERVICE,

Defendant.

The Court has received Defendant's letter reporting that the parties in this Fair Labor Standards Act ("FLSA") case have reached a settlement agreement in principle. (Docket entry no. 52.) The Court directs the parties to submit, by **April 1, 2022**, their proposed settlement agreement supported by a declaration and any other evidence necessary to support the Court's determination of whether the agreement is fair and reasonable pursuant to Cheeks v. Freeport Pancake House Inc., 796 F.3d 199, 205 (2d Cir. 2015). The parties' submission and evidence must address the factors enumerated in Wolinsky v. Scholastic Inc., 900 F. Supp. 2d 332, 335 (S.D.N.Y. 2012), including: "(1) the plaintiff's range of possible recovery; (2) the extent to which the settlement will enable the parties to avoid anticipated burdens and expenses in establishing their respective claims and defenses; (3) the seriousness of the litigation risks faced by the parties; (4) whether the settlement agreement is the product of arm's-length bargaining between experienced counsel; and (5) the possibility of fraud or collusion." Id. (internal quotation marks and citation omitted); accord Morris v. United States Postal Serv., No. 18-CV-1920-OTW, 2020 WL 2115347, at *2 (S.D.N.Y. May 4, 2020). The parties' motion should also address "factors that weigh against approving a settlement . . . [including:] (1) 'the presence of other employees situated similarly to the claimant'; (2) '[the] likelihood that the

claimant's circumstances will recur'; (3) 'a[ny] history of FLSA non-compliance by the same employer or others in the same industry or geographic region'; and (4) the desirability of 'a mature record' and 'a pointed determination of the governing factual or legal issue to further the development of the law either in general or in an industry or in a workplace.'" Wolinsky, 90 F. Supp. 2d at 336 (citation omitted).

SO ORDERED.

Dated: New York, New York
March 2, 2022

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge